

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 13, 2004

DIVISION ONE

[illegible]

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION TWO

B169746 People (Not for Publication)
v.
Polaco

The appeal is dismissed.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Patricia Gonzalez and Valorie Gray, Deputy Clerks.

DIVISION THREE (Continued)

Each of the following:

B177626 Adriana C. vs. S.C.L.A.
B171345 People v. Anthony Franco
B168845 People v. Edward A. Lanfor
B164993 People v. Jason Macias
B173889 People v. Jessica C.
B174188 Children and Family Services v. Marco T.
B171200 Children and Family Services v. John F.
B173192 Children and Family Services v. Dawna Y.
B176968 Joel G. v. S.C.L.A., et al.
B170945 People v. Carlos H. Campos
B170802 People v. Randell C. Nelson
B172152 People v. Joseph Argarpao

Argument waived, cause submitted.

B166395 Empire Fire and Marine Insurance Company
 v.
 Sam Israel

Merits:

Argued by Eric S. Bernhardt for appellant. Argument waived by the respondent. Cause submitted.

B169453 People
 v.
 Carlos M.

Merits:

Argued by Debra Fischl for appellant and by Kristofer Jorstad, Deputy Attorney General for respondent. Cause submitted.

DIVISION THREE (Continued)

B171176 People
 v.
 Jerry L. Mitchell

Merits:
Argued by Sally Brajevich for appellant and by Margaret Maxwell, Deputy Attorney General for respondent. Cause submitted.

B172183 People
 v.
 Edgar M.

Merits:
Argued by Lynette Moore for appellant and by Adrian Tigmo, Deputy Attorney General for respondent. Cause submitted.

B167250 Edward Saedi
 v.
 Fred E. Kriz, et al.

Merits:
Argued by Larry N. Willis for appellants and by David G. Geffen for respondent. Cause submitted.

B160564 Victoria Black et al.
 v.
 Michael McCormack et al.

Merits:
Argued by Todd Norton for appellants and by John D. Guerrini for respondents. Cause submitted.

DIVISION THREE (Continued)

B169931 People
 v.
 Latasha Peoples

Merits:
Argued by Christine Shaver for appellant and by Noah Hill, Deputy Attorney General for respondent. Cause submitted.

B173437 City of Long Beach
 v.
 Workers Compensation Appeals Board
 David Garcia, Respondent

Merits:
Argued by Barbara De Jong, Deputy City Attorney for petitioner and by Wayne McCort for respondent. Cause submitted.

B169946 Jean-Paul Afif
 v.
 Loyola Marymount University et al.

Merits:
Argued by Thomas J. Weiss for appellant and by Harold Bridges for respondents. Cause submitted.

B175527 State Farm Mutual Automobile Insurance
 v.
 Superior Court, Los Angeles County
 (Barbara J. Balen, r.p.i.)

Merits:
Argued by Robert Wright for petitioner and by Susan Beytin for real party interest. Cause submitted.

Court recessed at 12:10 p.m.

DIVISION THREE (Continued)

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Patricia Gonzalez and Valorie Gray, Deputy Clerks.

B167714 Christ Lutheran Church
 v.
 Carl W. Stude, Jr.

Merits:

Argued by Oscar Toscano for appellant and by Richard A. Sill for respondent. Cause submitted.

B168038 People
 v.
 Eric N. Christian

Merits:

Argued by Leonard Klaif for appellant and by Marc A. Kohm, Deputy Attorney General for respondent. Cause submitted.

B171868 People
 v.
 Salvador Sanchez

Merits:

Argued by Richard Levy for appellant and by Corey J. Robins, Deputy Attorney General for respondent. Cause submitted.

B168849 City of Carson
 v.
 City of La Mirada et al.

Merits:

Argued by Steve J. Dawson for appellant and by Douglas Evertz for respondents. Cause submitted.

DIVISION THREE (Continued)

B169437 Estate of Barbara Auerbach
 v.
 Richard Heyman et al.

Merits:
Argued by Marnin Weinreb for appellants and by Robert L. Clarkson for respondent. Cause submitted.

B172017 American Casualty Company of Reading, PA
 v.
 General Star Indemnity Company

Merits:
Argued by David J. Myers for appellant and by Lawrence Borys for respondent. Cause submitted.

B166819 Federation of Hillside and Canyon Associations, et al.
 v.
 The City of Los Angeles, et al.

Merits:
Argued by Lawrence Teeter for appellants and by Jack L. Brown for respondents. Cause submitted.

Court adjourned at 5:14 p.m.

B167792 Allen L. Golden
B169193 v.
 Principal Life Insurance Company et al.

Filed order vacating submission order of 07/14/04. The court having requested and received supplemental briefing after oral argument, the prior submission of this matter is vacated. Cause resubmitted.

DIVISION FIVE

B171284 People (Not for Publication)
v.
Rodney Nelson

The judgment is affirmed. Upon issuance of the remittitur, the superior court clerk is directed to issue an amended abstract of judgment which correctly reflects: the three five-year enhancements imposed pursuant to Penal Code section 667, subdivision (a) (1) (i) sentence of 25 years to life were imposed as to counts 1, 2, and 3 without changing the notation in Part 1 that the count 3 sentence was stayed pursuant to Penal Code section 654, subdivision (a); and that no determinate terms were imposed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B171768 People (Not for Publication)
v.
Aaron Matheu

The abstract of judgment is ordered corrected as follows: (1) the concurrent enhancement on count two is imposed under Penal Code section 12022.53, subdivision (b); and (2) the 15 years to life sentences on both counts are imposed pursuant to Penal Code section 186.22, subdivision (b) (4). The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Mosk, J.

October 13, 2004 (Continued)

DIVISION FIVE (Continued)

B171864 People (Not for Publication)
v.
Cedric Sanchez

The judgment is affirmed.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B166433 Lalitha Asileti (Not for Publication)
v.
California Hospital Medical Center

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B170470 Derring v. Deering

Argument waived, cause submitted.

DIVISION SIX (Continued)

B170252 Marriage
 of
 Yana

Merits:

Argued by John F. Hodges for appellant and by Jeffrey W. Doeringer for respondent. Cause submitted.

B169180 George
 v.
 City of Moro Bay

Merits:

Argued by Shane D. Kramer for appellants and by Peter Evan Cummings for respondent. Cause submitted.

Perren, J. left the bench.

B169991 Fercano
 v.
 Amgen, Inc.

Merits:

Argued by Stephen J. Reiss for appellant and by Paul W. Cane for respondents. Cause submitted.

Court recessed at 10:25 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B167268 Elizarraras v. Lopez

Case having been settled and dismissed, is ordered off calendar.

DIVISION SIX (Continued)

B174747 Select Personnel Services & Intercare Insurance Services
 v.
 Workers' Compensation Appeals Board
 Gonzalez, Respondent

Review:

Presented by Steven J. Fabiano for petitioner and by John Eric Schmutz for respondent. Presentation of argument previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

B171602 Skaggs
 v.
 Board of Retirement of the Ventura Co. Employees Retirement Assoc.

Merits:

Argued by Mark Ellis Singer for appellant; by Leroy Smith, Assistant County Counsel, for respondent Board of Retirement of the Ventura Co. Employees Retirement Association and by Marshall W. Graves for respondent County of Ventura. Cause submitted.

Court recessed at 2:30 P.M.

Court reconvened at 2:40 P.M.

Present: Gilbert, P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B171173 Fields
 v.
 Eddy

Merits:

Argued by Lori A. Fields for appellant and by David C. Voss for respondent. Cause submitted.

Court adjourned at 3:20 P.M.

DIVISION SEVEN

B174274 In re Brandy M., et al., Minors
 Los Angeles County, D.C.S.
 v.
 Brian B.

Filed order denying petition for rehearing.

B168168 People
 v.
 Cordova

Filed order denying petition for rehearing. Justice Johnson would grant the petition particularly as to the corrective sentence imposed on the dissuading a witness during the kidnapping count which was based on the trial court's finding about the defendant's mens rea during commission of this offense, e.g., that the defendant had two independent objectives, a factual determination which should be made by a jury under *Apprendi v. Blakely*.